



LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: November 16, 2006

AGENDA ITEM NO: 4

Project Description

Applicant: Land Use Services Department
Proposal: General Plan Update project to include: an update of the County General Plan goals, policies and maps (including associated land use district changes); the establishment of 13 community plans; and a complete revision to Title 8 of the San Bernardino County Code (the Development Code).
Index: CW1-849N
CATS: 00243CQ0
Community: Countywide
Location: Countywide
Staff: Randy Scott

Background

On October 19, 2006, the Planning Commission considered the proposed Development Code Update. The hearing was continued to November 16, 2006 for further consideration of various issues. New Multi-Family Residential Development Standards are being proposed for incorporation in the Development Code Update. These standards were not available for presentation to the Commission at the October 19th hearing. An analysis of the new standards is included in this report.

In addition, new requirements pertaining to Infrastructure Improvement Standards and lot area calculations received considerable public comment during the October 19th hearing. The hearing was continued to give staff an opportunity to consider the comments and possible changes. Staff has received an additional 63 letters objecting to the proposed standards since the last hearing.

Staff has completed the review of these issues and the following summarizes staff's conclusions and recommendations:

- ❖ **MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS:** As discussed in the October 19th Commission hearing, the County is in the process of working with the State Department of Housing and Community Development (HCD) to correct all deficiencies to the General Plan Housing Element that was adopted by the Board of Supervisors in 1993 so that the State will grant certification to the element. As part of this coordination, the State requested and the County has agreed to allow the development of smaller scale multiple family housing projects with just the issuance of building permits. No land use approvals would be required for projects consisting of 19 units or less. In order to approve such projects with just a ministerial review, the County needs to develop more comprehensive standards for these types of projects and insert them into the Development Code so that project proponents will know the minimum requirements that must be met.

Action taken by the Planning Commission on this item may be appealed to the Board.
Note: Recommendations to the Board of Supervisors are not appealable.

Yes ☐ No ☒

They will also allow staff to evaluate and approve such projects without an extensive discretionary review. The consulting team of RFB and Jacobson and Wack consulting firms were contracted to perform the additional work needed to amplify the multiple residential development standards. They had submitted a draft of proposed changes to these standards for review by staff just prior to the October 19th Commission hearing.

Staff has reviewed the proposed changes and submits them to the Commission for consideration. They are included in this report as Attachment 1. The primary additions to the standards that were included in the draft Development Code published with the EIR are as follows:

- Allowance multi-family projects of 19 units or fewer with just a Building Permit.
- Allowance multi-family projects of 20 to 49 units with an approved Minor Use Permit.
- Allowance multi-family projects of 49 units or more with an approved Conditional Use Permit.
- Expanded development standards for multi-family projects of all sizes.

❖ **INFRASTRUCTURE IMPROVEMENT STANDARDS:** In keeping with direction to ensure the General Plan is a "policy" document, the Infrastructure Standards are being moved from the General Plan to the Development Code. The purpose of these standards is to establish the infrastructure improvements required for proposed development to ensure that the development does not result in fiscal liabilities to County residents. The intent is to require an appropriate range of infrastructure facilities and services to support areas of high and low intensity development. The requirements are based upon the direct relationship between the intensity of land uses and the amounts of facilities and services that are needed to support the uses. As in the current General Plan, these standards are incorporated into the Code by region -- Valley, Mountain and Desert.

The primary concern over these standards, as voiced in the testimony received at the October 19th hearing and in the numerous letters in opposition, has been over the paving requirements for Parcel Map applications in the Desert Region.

The 1989 General Plan introduced the concept of Improvement Levels which were intended to match development intensity with essential improvements required to meet the needs of development. Five Improvement Levels were established and were mapped across the unincorporated areas of the County. Essentially, these Improvement Levels established urban limit lines with Improvement Levels 1 and 2 indicating urban levels of development requiring more services. Improvement Levels 4 and 5 were considered rural and Improvement Level 3 indicated areas of transition between urban and rural. Each level had specific requirements for the various infrastructure categories – legal and physical access, paved access, sidewalks, street lights, etc. This system was not always hard and fast in the application of the standards. An exemption was included in the plan to allow development that was proposed at a different level of intensity than that would normally be expected within a specific Improvement Level area, to be conditioned with infrastructure requirements that met the intensity of development rather than those required by the strict application of the Improvement Level in which the project was located.

The General Plan Update has produced a new system for assigning infrastructure requirements to development projects. The new system, referred to as the Infrastructure Improvement Standards, are based on the density and intensity of development. The

primary indicator of density for residential land uses is the standard parcel size of a proposed subdivision. Accordingly, the Infrastructure Improvement Standard tables have been prepared based upon both the type of land use (residential, commercial, industrial or institutional) and the parcel sizes of land subdivisions.

With this transition from mapped Improvement Levels to standards based on intensity of development, the paving requirements for subdivisions has become a major area of concern for many small developers in the Desert Region of the County. Staff has received over 60 letters of opposition to the proposed standards. The individuals who wrote believe that these standards will limit subdivisions to only large land developers who can afford to install the paving required.

The issues involved with paving include fugitive dust that is both a nuisance to the homeowner and an air quality impact, emergency access during inclement weather and the wear and tear on vehicles that traverse dirt roads on a regular basis. The cost of paving has been identified as a limiting factor relative to the cost effectiveness of a proposed subdivision. However, once the subdivisions are recorded, the parcels are sold and homes are built. Many of these new homeowners get frustrated with the dirt roads with the associated dust and impacts on their vehicles. Complaints are received on a regular basis concerning these impacts, with requests for the County pave their roads. In the end, both the property owners and the County are frustrated because the funding to accommodate these requests is limited.

The County has required for years that all internal and perimeter roads for all Tentative Tract projects (subdivisions resulting in five or more new parcels) be paved. These projects are also required to pave to the nearest County-maintained road. The impacts of two or more contiguous Parcel Map subdivisions on the circulation system of an area are identical to those of a tract subdivision, but they are not required to install any paving. As a result, the problems of poor air quality, reduced accessibility for emergency vehicles, especially inclement weather, and the negative impacts on property owners personal vehicles remains and will continue to remain in the foreseeable future. The Board has adopted Local Transportation Areas Plans for many of the communities in the Desert Region, but the fees associated with these plans have not been sufficient to actually pave the roads identified within the plan areas. The County Department of Public Works is currently working on amendments to these plans to increase the fees so that more paving will be provided in the future.

Staff has reviewed the County's current practices in conditioning Parcel Map applications and has prepared a map showing the Parcel Maps that have been recorded or conditionally approved over the last six years or are currently pending. The map was prepared for the Phelan area as being a representative sample for the entire region. This map reveals the extent of subdivisions that have occurred over the years without requiring paving. It reveals several areas where Parcel Map subdivision have been contiguous but no paving has been required or installed. When reviewing this maps, the question of equity does arise. Is it fair to require new subdividers to pave their projects when so many were allowed to subdivide without improvements? However, with the increase in growth in the region, is it reasonable not to require paving simply because we haven't required it in the past? The answers to these questions come down to a policy decision. What is the County and the residents willing to accept relative to approving new subdivisions of four or fewer parcels – the expense of requiring paving or the continued dust and access problems associated with dirt roads?

After reviewing all of these questions, staff is recommending that the Infrastructure Improvement Standards be amended to codify the current project development requirements which would continue to not require paving for Parcel Map applications. The main questions still remain and may have to be addressed at a later date. Consequently, revised tables for the Infrastructure Improvement Standards are included in Attachment 2 for the Commission's review.

❖ **PARCEL AREA CALCULATIONS:**

There have been several people voicing their concerns over the provisions for parcel area calculations. There are two aspects to this issue. The first is the method of calculating the minimum parcel area for subdivisions. The question is should the County use the gross or net area of the resulting parcels to determine the minimum parcel size for a proposed subdivision. The regulations in the current Development Code are based upon the land use zoning districts in which the parent parcel is located. If it is located within a land use zoning district that has a minimum parcel size of one acre or more, the parcel size calculations are based on the gross area. If the parent parcel is located within a land use zoning district that has a minimum parcel size of less than one acre, the parcel size calculations are based on the net area, exclusive of any area within abutting planned rights-of-way. These standards have produced subdivisions within RS-1 (Single Residential-one acre minimum parcel size) Land Use Zoning Districts with parcels that are as low as .54 acres in area. Tentative Tract 17232 was recently approved in Phelan and is an example of this. There are 23 parcels within this 50-lot tract that are under three-fourths of an acre net. Tentative Parcel Maps 16777, 17466, and 18107 in Phelan and the unincorporated area in Apple Valley are further examples of subdivisions with resultant parcels less three-fourths of an acre net within RS-1 zoning. Staff believes that the RS district is a urban designation and, therefore, net area calculations should be used. Consequently, the draft Development Code reflects this determination.

The second aspect of this issue is to determine if there are any areas within a parcel that should be excluded when computing the resultant parcel sizes within a proposed subdivision. This determination is important so that minimum parcel sizes can be met for all proposed Parcel Maps and Tracts. The Development Code Update is currently drafted to exclude any vehicular or non-vehicular access easement, any easement for an open drainage course, whether a ditch, floodway, or natural channel, any other easement restricting the use of the property, or the "flag pole" (access strip) of a flag lot. Staff has reevaluated these provisions and has determined that only those areas that provide vehicular access or that prohibit the property owner any right of access should be excluded. Consequently, staff proposes to amend these provisions to say,

“(A) Calculation of area. When calculating the area of a parcel to determine compliance with this Section, this Division or the General Plan (and any applicable community or specific plan), the following shall be deducted from the gross area of any parcel:

- (I) A vehicular access easement through the parcel;
- (II) Any easement completely restricting or prohibiting any use of the property, for ingress, egress, landscaping, recreation, storage, etc.; or

(III) The "flag pole" (access strip) of a flag lot."

"HOLDING" ZONE: Policy BV/LU 1.1 in the Bear Valley Community Plan was a cause of concern for several developers who work in the Bear Valley Community Plan area. They felt that it would prohibit certain projects that are currently under review from going forward, and that it would prohibit future land use zoning district amendments to the plan and thereby limiting future development. This issue was discussed at the September 21st Commission hearing. Staff does not believe that the policy as written unilaterally precludes review and approval of specific projects or any other future projects to the extent that the projects can be found to be consistent with the Community Plan and General Plan following development application processing.

Staff proposed to add new language to the plan that would explain the historical position of the "holding zone" strategy that was part of the discussions in the adoption of the original 1988 Community Plan. That strategy entailed assigning appropriate designations to suitable undeveloped large parcels that existed in the unincorporated portion of Big Bear Valley in 1988. For residentially designated large parcels, a very low density was assigned that prompted a future General Plan Amendment and specific project design that would consider the infrastructure availability, fire safety and other specific project design issues on a case-by-case basis.

Staff has received numerous letters of opposition concerning this issue. The common theme of these letters is that the new language would promote new development in the plan area and thereby destroy the unique alpine character of Bear Valley. This new language is being added for informational purposes only into the "History" subsection of the Introduction to the plan. It is not being added as a new policy. Policy BV/LU 1.1 clearly states that the County will "require strict adherence to the Land Use Policy Map unless proposed changes are clearly demonstrated to be consistent with the community character." This does not prohibit the submittals of new amendments to the plan. However, each project must be evaluated on its own merits and potential impacts on a case-by-case basis. Also, simply because an application is filed with the County does not mean that the proposal will be approved. Surrounding property owners are notified and their opinions on the project are always considered in the evaluation. Such applications require at least two public hearings – one before the Planning Commission and one before the Board of Supervisors. All concerned citizens are invited to present their thoughts on any proposed zoning change to the Commission or to the Board at these hearings before any action is taken to approve or deny a project.

PROPOSED CHANGES TO GENERAL PLAN UPDATE DOCUMENTS

The following is a summary of proposed changes to the various General Plan Update documents:

❖ GENERAL PLAN TEXT

- The General Plan goals and policies have been either re-written from the 1989 General Plan, added based upon the adopted Vision Statement, or added in response to a legal requirement.
- Add a provision to the Special Development (SD) Land Use Zoning District to require a General Plan Amendment when a Planned Development application has been

approved to add an annotation to the map reflecting the adoption of the PD application. This annotation shall say, "PD-Year-Sequence Number of Application" (e.g. PD-2006-01). [Pages II-20 and 21]

- Revise the goals and policies in the Circulation/Infrastructure Element relative to National Pollutant Discharge Elimination System (NPDES). [Pages III-41 and 42]

❖ **GENERAL PLAN MAPPING**

• **General Changes**

- Removed all obsolete zoning "prefixes" and "suffixes".
- Revised all residential land use designations into a standardized list of minimum lot sizes for the Agriculture, Rural Living, and Single Family Residential designations:

• RS	• RS-1	• RL-10	• AG-20
• RS-10M	• RM	• RL-20	• AG-40
• RS14M	• RL	• RL-40	• AG-80
• RS-20M	• RL-5	• AG	• AG-160
- Changed all Planned Development (PD) designations to Specific Development (SD) with either a residential or commercial suffix.

• **Community Plans**

- **Hilltop:** Change 20 parcels on the east end and on both sides of Green Valley Lake Rd. from HT/CG-SCp (Hilltop/General Commercial-Sign Control Overlay) to HT/RS (Hilltop/Single Residential) and four parcels from HT/CG-SCp (Hilltop/General Commercial-Sign Control Overlay) to HT/CN (Hilltop/Neighborhood Commercial).
- **Homestead Valley:** Change numerous parcels northeast of the intersection of Becker Rd. and Napa Rd. from RL-5 (Rural Living-five acre minimum parcel size) to HV/RL (Homestead Valley/Rural Living).
- **Lake Arrowhead:** Change 10 parcels on the west end of Rimforest and on the north side of Highway 18 from LA/CO (Lake Arrowhead/Office Commercial) to LA/CS (Lake Arrowhead/Service Commercial) to conform to the historic uses of these parcels; change one parcel on the north side of Highway 189 just east of Rose Ln. on which an institutional use has been converted to a commercial use from LA/RS-14M (Lake Arrowhead/Single Residential-14,000 sq. ft. minimum parcel size) to LA/CN (Lake Arrowhead/Neighborhood Commercial).
- **Lucerne Valley:** Change 12 parcels southwest of the intersection of Wren and Christenson Roads from RL (Rural Living) to LV/IC (Lucerne Valley/Community Industrial); change one parcel on the southwest corner of Via Seco and Kendall Roads from RL (Rural Living) to LV/CR (Lucerne Valley/Rural Commercial); change 12 parcels southeast of the intersection of Via Seco and Kendall Roads from RL (Rural Living) to LV/RS (Lucerne Valley/Single Residential); and change four parcels southeast of Crystal Creek and Furnace Creek Roads from RL (Rural Living) to LV/IC (Lucerne Valley/Community Industrial).
- **Muscoy:** Multiple changes as a result of the public meetings on the community plan
- **Phelan:** Change parcels on the north side of Highway 138 from PH/CO (Phelan/Office Commercial) to PH/CG CO (Phelan/General Commercial) in Pinon Hills; change 21 parcels on both sides of Phelan Rd. from Paramount Rd. east to include the parcels on the east side of Eaby Rd. from PH/RS-1 (Phelan/ Single Residential-one acre minimum parcel size) to PH/SD (Phelan/Special Development); change 27 parcels on both sides of Phelan Rd. from Lebec Rd. west to include the parcels on the west side of Beekley Rd. from PH/RS-1 (Phelan/

Single Residential-one acre minimum parcel size) to PH/SD (Phelan/Special Development); move the northern boundary of the Phelan/Pinon Hills Community Plan south to Palmdale Rd. (Highway 18); and change 93 parcels on the north and south sides of Palmdale Rd. from the City of Adelanto.

- **“Hotspot” Analysis Areas**

- Multiple changes in West Fontana and Mentone to align the County’s land use zoning districts and land use patterns with the adjacent cities, recognizing the existing subdivision patterns and bringing consistency between the jurisdictions.

- **Sphere Areas**

- **Apple Valley:** Change four parcels on the southeast and southwest corners of Rock Springs and Deep Creek Roads from AG-SCp (Agriculture-Sign Control Overlay) to CN (Neighborhood Commercial).
- **Chino:** Multiple changes to conform to the City of Chino's pre-zoning for the area.
- **Hesperia (Oak Hills):** Change 49 parcels in the northeast area of Oak Hills to conform to the City of Hesperia's pre-zoning for the area and to recognize the existing subdivision patterns; change three parcels southeast corner of Ranchero Rd. and Coriander Dr. from OH/RL (Oak Hills/Rural Living) to OH/CN (Oak Hills/Neighborhood Commercial); align the OH/CN (Oak Hills/Neighborhood Commercial) Land Use Zoning District at the intersection of Ranchero Rd. and Escondido Ave. to the parcels in the area.
- **Montclair:** Multiple changes to conform to the City of Montclair's pre-zoning for the area.

- **Miscellaneous**

- I-40: Hector Rd. intersection from RC to CH; Crucero Rd. intersection at Ludlow from CR to CH
- Open Space designations in the unincorporated area north of the City of Rancho Cucamonga and in the Morongo Valley Community Plan area

❖ **COMMUNITY PLAN TEXTS**

- **Bear Valley**

- Add language concerning “holding zone” concept to the Introduction
- Adjust statistical data on page 15 to be consistent with Table 1
- Add the word “alpine” to Policy BV/LU 1.2
- Change Policy BV/CI 1.1 to say that “the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS “D” during non-peak hours . . .”
- Delete the phrase “(operating water resources under a common management)” from Policy BV/CI 4.4.
- Add Goal BV/H1 and Policy BV/H 1.1 to the Housing Element chapter.
- Make minor word changes to Policies BV/CO 3.3, BV/OS 1.4 and BV/S 2.2

- **Bloomington**

- Adjust statistical data in Tables 2 and 3
- Change Policy BL/CI 1.1 to say that “the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS “D” during non-peak hours . . .”

- **Crest Forest**

- Adjust statistical data in Table 3

- Change Policy CF/CI 1.1 to say that “the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS “D” during non-peak hours . . .”
- **Hilltop**
 - Adjust statistical data on page 15 to be consistent with Table 1
 - Change Policy HT/CI 1.1 to say that “the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS “D” during non-peak hours . . .”
- **Homestead Valley**
 - Adjust statistical data in Tables 1, 2, and 3 and on page 13
- **Joshua Tree**
 - Adjust statistical data in Tables 1, 2, and 3 and on page 15
 - Add a statement that Sunfair Rd.
 - Amend Policy JT.CI 1.10
- **Lake Arrowhead**
 - Adjust statistical data in Tables 1, 2, and 3 and on page 15
 - Change Policy LA/CI 1.1 to say that “the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS “D” during non-peak hours . . .”
 - A policy will be added to the Lake Arrowhead Community Plan which states, “ensure that the required infrastructure is in place prior to the occupancy of any new development project.”
 - A policy will be added which states that criteria for historical structures within the plan areas shall include exemplifications of a particular architectural style of an area of history.
- **Lucerne Valley**
 - Adjust statistical data in Tables 1, 2, and 3 and on page 15
- **Lytle Creek**
 - Adjust statistical data in Tables 1, 2, and 3 and on page 13
 - Change Policy LC/CI 1.1 to say that “the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS “D” during non-peak hours . . .”
- **Morongo Valley**
 - Adjust statistical data in Tables 2 and 3
 - Change Policy MV/CO 1.2 to say, “Development that would cause significant adverse impacts to Big Morongo Canyon Preserve shall be revised to avoid or reduce impacts below a significant level.
- **Muscoy**
 - Adjust statistical data in Tables 1, 2, and 3 and on page 13
 - Change Policy MS/CI 1.1 to say that “the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS “D” during non-peak hours . . .”
- **Oak Glen**
 - Adjust statistical data in Tables 1, 2, and 3 and on page 15
 - Change Policy OG/CI 1.1 to say that “the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS “D” during non-peak hours . . .”
- **Phelan/Pinon Hills**
 - Adjust statistical data in Tables 1, 2, and 3 and on page 15

- Minor corrections to Policies PH/CI 6.2 and PH/CI 6.5.

❖ **DEVELOPMENT CODE UPDATE**

- The code has been totally reorganized to present the regulations in a more logical order and in a format that is more user-friendly.
- Three development review processes are being realigned and renamed.
- Removed the term “District” for all Overlays
- Add newly adopted Short-Term Private Home Rental Ordinance to the appropriate location of the Code.
- New regulations
 - Hillside Grading Standards (Chapter 83.08)
 - Infrastructure Improvement Standards (Chapter 83.09)
 - Landscaping (Chapter 83.10)
 - Agritourism (Chapter 84.03)
 - Multi-Family Residential Development Standards (Chapter 84.16)
- Revised Section 81.01.090 to clarify that the new Development Code regulations shall not be applicable to projects that have been formally accepted for review by the County. [Page 1-7]
- Revised Section 82.04.060 to raise the maximum structure height in the Multiple Residential Land Use Zoning District to 45 feet. [Pages 2-35, 2-36 and 2-37]
- Add Section 82.06.070 to Division 2 Chapter 6 to require a General Plan Amendment when a Planned Development application has been approved to add an annotation to the map reflecting the adoption of the PD application. This annotation shall say, “PD-Year-Sequence Number of Application” (e.g. PD-2006-01). [Page 2-66]
- Revise Subsection 82.09.050(c) to clarify that land use approval for any project found to be inconsistent with an adopted Airport Comprehensive Land Use Plan must go to the Board of Supervisors for approval. [Page 2-76]
- Revised Subsection 82.16.020(a) to clarify that a Hazardous Waste Overlay shall be applied to the Overlay Maps concurrently when the Board approves a hazardous waste facility. [Page 2-117]
- Changed Chapter 83.11 relative to parking standards. These changes specifically address the number of parking spaces required, transportation control measures, aisle widths for emergency vehicle access and trucks, and elimination the compact parking spaces provisions. [Page 3-109]
- Changed Subsections 83.13.040(a) 83.13.080 relative to the interval of time between messages on alternating message signs to once every five seconds to correspond to the Caltrans standard. [Page 3-129 and 3-153]
- Revise Subsection 85.06.050(a)(5), (6) and (7) to clarify what projects do not qualify for a Minor Use Permit in the Neighborhood Commercial (CN), Rural Commercial (CR), Highway Commercial (CH), Office Commercial (CO), Service Commercial (CS), General Commercial (CG), Community Industrial (IC), Regional Commercial (IR) and Institutional (IN) Land Use Zoning Districts. [Page 5-28]
- Revised Subsection 85.08.020(b) to clarify that the Site Plan Permit may not be used for projects within a city sphere of influence or a redevelopment area or when the project is located on a designated state highway. [Page 5-35]
- Revised Subsection 87.06.030 to delete the provision concerning minimum buildable lot size. [Page 7-56]

Recommendation

CONTINUE the hearing on the General Plan Update to December 7, 2006 to consider the entire General Plan Update Program including the Environmental Impact Report.

Attachment

- [1. Revised Multi-Family Residential Development Standards](#)
- [2. Revised Infrastructure Improvement Standards](#)
- [3. Lot Area Calculation Provisions](#)
- [4. Changes to the General Plan Text](#)
- [5. Changes to the General Plan Mapping](#)
- [6. Changes to the Community Plans](#)
- [7. Changes to the Development Code](#)